

SECTION 10 - PLANNING PROCEDURES

* 10.1 PLANNING COMMISSION - The Planning Commission shall, in addition to its other duties, have the following jurisdiction and authority:

10.1.1 To prepare and recommend a Comprehensive General Plan for the future development of the City and from time to time to review the provisions of said Plan to make a report of its finding and recommendations to the Council.

10.1.2 To initiate from time to time, or as requested by the City Council, a review of the provisions of the Zoning Ordinance, and to make a report of its findings and recommendations to the Council.

10.1.3 To receive and act upon applications for actions authorized and specified herein.

10.1.4 To hold public hearings on applications for Conditional Use Permits and for proposed amendments to this Ordinance in the manner hereinafter prescribed.

10.1.5 Following public hearings, to submit to the Council as required herein, a report and recommendations on each such Amendment.

10.1.6 To act upon applications for a Conditional Use Permit in the manner prescribed and within the limitations established herein.

10.1.7 To authorize, upon application as provided herein, variance from the terms of this Ordinance in the manner prescribed and within the limitations established herein.

10.1.8 To hear and decide Appeals in the manner prescribed herein where it is alleged there is an error in any order, requirement, decision or determination made by any City official in the interpretation or enforcement of this Ordinance.

** 10.2 BOARD OF DESIGN - DELETED

10.3 ZONING ADMINISTRATOR - There is hereby established the position of Zoning Administrator.

*** 10.3.1 DUTY AND AUTHORITY - It shall be the duty of the Zoning Administrator to administer, interpret and enforce the provisions of this Ordinance.

In the furtherance of said authority the Zoning Administrator or authorized representatives, shall:

* Amended by Ord. #717, 3/13/84

** Amended by Ord. #404, 11/12/68; by Ord. #464, 3/22/71; by Ord. #591, 1/24/77; and by Ord. #717, 3/13/84

*** Amended by Ord. #717, 3/13/84

- 10.3.1.1 Receive and examine applications for and issue Zoning Certificates, and maintain permanent records thereof.
- 10.3.1.2 Conduct such inspections of buildings, structures and use of land as are necessary to determine compliance with the terms of this Ordinance.
- * 10.3.1.3 Maintain permanent and current records of applications for all Amendments, Variances, Conditional Use Permits, and Design Review, and of the hearings and actions thereon.
- 10.3.1.4 Provide and maintain a continuing program of public information on zoning matters.
- 10.3.1.5 Order the abatement of violations of the Zoning Ordinance and aid in the prosecution of such violations.
- 10.3.1.6 Receive, file and transmit to the Commission all applications, petitions and other communications upon which the Commission is required hereby to act.
- * 10.3.1.7 Whenever there is doubt as to the classification of a use not specifically mentioned in this Ordinance, the determination shall be made by the Zoning Administrator. Such determination shall be based upon a detailed description of the proposed use and such other information as may be required. The Zoning Administrator shall make such investigations as necessary to compare the nature and characteristics of the proposed use with those of listed uses in the various districts, and shall determine that the use is, in all essentials, pertinent to the objectives of this Ordinance, of the same character as a use listed as a Permitted or as a Conditional Use in one of such specified district or districts. No use added by such administrative determination shall permit in any district a use which is a Conditional Use in such district or in any less restricted district. The determination of the Zoning Administrator shall be final unless an Appeal is made in the manner prescribed in Section 15 of this Ordinance. Whenever the Zoning Administrator shall have determined that a use not specifically mentioned in this Ordinance meets all the above requirements of a Permitted Use, said Administrator shall transmit findings in writing to the Commission. The Commission shall consider the addition of such use to the list of Permitted Uses, hear evidence and take action in the manner set forth in Section 9.5.1 herein.

10.4 APPLICATIONS - GENERAL PROVISIONS

* Amended by Ord. #717, 3/13/84

10.4.1 NOTICE OF HEARING - In the giving of notice for public hearing as required in Sections 11.4.1, 14.4.1 and 16.4.1, the failure of the City to mail, or the failure of the applicant to submit a complete list shall in no way affect the validity of such proceedings, provided that such failure shall have occurred in good faith.

10.4.2 HEARINGS - CONTINUANCE - At any public hearing, the presiding officer may order the hearing to be continued by publicly announcing the time and place of continuance, and no further notice thereof shall be required.

10.4.3 COUNCIL ACTION ON RECLASSIFICATION - No Reclassification or other Amendment to this Ordinance shall be enacted by the Council unless and until the substance thereof has first been referred to and reported upon by the Commission.

* 10.4.4 SUBPOENAS - The Commission and the Council shall both have the power to issue subpoenas for, and to require the attendance of witnesses, the production of records and documents. The Chairperson of the Commission shall have the power to administer oaths and to certify to all official acts hereunder.

10.4.5 APPLICATIONS - RESUBMITTAL - No application for a Zoning Reclassification, a Conditional Use Permit or a Variance which has been denied, or a Conditional Use Permit which has been revoked shall be resubmitted in either the same or substantially the same form or with reference to substantially the same premises for substantially the same purpose within one year from the date of such denial or revocation of such application.

* 10.4.6 FEES - Charges made in the making of applications as provided for in Sections 11.3, 14.3, 15.4 and 16.3 herein shall be in accordance with the fee schedule as established and amended from time to time by the City Council.

** All fees required in the submission of an application shall be paid to the Secretary of the Planning Commission. No part of any such fee which accompanies an application for an Amendment, a Use Permit or a Variance shall be returnable except that, upon written notice of withdrawal filed with the Secretary of the Planning Commission prior to the giving of notice of the hearing on the application, the applicant shall be entitled to a refund of 80 percent of the fee. In the event of such withdrawal, the Secretary of the Planning Commission shall certify to the City Treasurer of the City that a refund is due by reason thereof, and upon such certification the City Treasurer is hereby authorized and directed to make such refund.

*** Applicant shall pay the cost of any republication of required notices due to postponement or amendment of an application requested by said applicant.

* Amended by Ord. #717, 3/13/84

** Amended by Ord. #502, 1/23/73

*** Amended by Ord. #520, 11/26/73

* 10.5 APPLICATIONS – EXTENSION OF TIME

10.5.1 EXTENSION OF TIME – The Planning Commission may grant up to two 1-year extensions of the expiration dates for variance, conditional use, design review, and exception permits it originally granted upon making the following findings:

- (a) The governing regulations under which the permit was originally approved have not changed in a way that have established different findings, development standards, or evaluation criteria.
- (b) The applicants have presented a reasonable explanation of the delay in completing the project and have demonstrated intent to complete the project within the next year.
- (c) The surrounding neighborhood conditions and site characteristics have not changed in a way that would no longer provide a factual basis for positively reaffirming the original findings.

10.5.2 ADMINISTRATIVE EXTENSION OF TIME – The Planning and Community Development Director may grant up to two 1-year extensions of the expiration dates for variance, conditional use, design review, and exception permits originally granted by the Director upon making the findings of Section 10.5.1.